UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,907	03/26/2004	Reinhold Kautzleben	6570P027	6322

8791 7590 10/21/2009

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
LINDSEY, MATTHEW S	

ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
10/21/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/814,907	KAUTZLEBEN ET AL.	
	Examiner	Art Unit	
	MATTHEW S. LINDSEY	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 September 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-14,16-25,27-30,32 and 33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-14,16-25,27-30,32 and 33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 3-14, 16-25, 27-30 and 32-33 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3 September 2009 has been entered.

Claim Objections

3. Claims 1, 13, 24 and 29 are objected to because of the following informalities: the claims recite: “and relationships between the monitor managed beans the resources” (Claim 1, lines 10-11). This appears to be a typographical error and will be treated as: “and relationships between the monitor managed beans and the resources”.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 3-12, 33 and 24-25 and 27-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. With respect to Claims 1, 3-12, 33 and 24-25 and 27-28 they are directed to "A system" that can reasonably be implemented as software. The claims lack the necessary physical articles or objects to constitute a machine or manufacture under the meaning of 35 USC 101. They are not a series of steps or acts to be a process, nor are they a combination of compounds to be a composition of matter. They represent software and as such fail to fall within a statutory category.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 3-7, 13-14, 16-17, 24-25, 27-28 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viswanath (US 2004/0019662) in view of Kekic et al. (US 6,664,978 B1).

9. With respect to Claim 1, Viswanath disclosed: "A monitoring system employed within a network ([0024], lines 1-5) comprising:

a file including semantics and directives to generate a monitor tree ([0025], lines 12-18) for a Java monitoring architecture (JMA) ([0019], lines 1-10) monitoring system compatible with Java management extensions (JMX) ([0120], lines 1-3), wherein the file is retrieved from a database ([0065], lines 9-12, specifically "database-based") by a monitor service ([0025], lines 1-5, in order to use the meta-information, the administration framework generator mechanism must retrieve the meta information) that interfaces a visual administrator to a node of a monitor tree ([0024], lines 8-18 and [0068], lines 1-7);

where the semantics and directives define a hierarchical architecture of a monitor tree ([0063], second col., lines 1-11, where the hierarchical relationship represented among the elements is a monitor tree) that monitors a plurality of resources of a cluster of application servers ([0046], lines 1-3 and [0053], lines 1-3) spanning multiple Java virtual machines (JVMs) ([0030], lines 1-5),

the semantics defining code to generate the monitor tree ([0025], lines 1-6 and 12-18 and [0068], lines 1-7), including information about monitor managed beans ([0068], lines 1-7), resources to be monitored ([0025], lines 1-6 and 12-18), and

relationships between the monitor managed beans the resources ([0068], lines 1-7), and

the directives defining how the semantics are to be implemented to form the monitor tree ([0025], lines 1-6 and 12-18),

wherein the cluster of application servers includes multiple application server instances ([0057], lines 13-16) and a central services instance that provides communication and synchronization among the multiple application server instances ([0030], lines 5-8, and [0154], lines 7-13, where the central services instance is an administration server which provides communication and synchronization among the application servers);

a runtime managed bean ([0120], lines 1-3, specifically management beans) that continuously monitors one or more associated resources of resources in the system ([0128], lines 1-5);

the monitor tree generated based, at least in part, on the semantics and the directives of the file ([0025], lines 1-6) to monitor the plurality of resources ([0128], lines 1-4 and Abstract, lines 5-7), wherein the monitor tree includes a hierarchical grouping of a plurality of nodes ([0025], lines 1-6 and 14-18, where elements have hierarchical relationships), each of the plurality of nodes having

a monitor managed bean ([0107], lines 1-3, specifically configuration beans) and one or more resources of the plurality of resources associated with the monitor managed bean ([0024], lines 8-14 and [0021], lines 1-2), where the monitor managed bean collects information about each associated resource from the runtime managed

bean associated with the resource(s) ([0122], lines 1-12, specifically where the configuration beans perform getting and setting attributes on behalf of the management beans)", and

"the monitor managed bean of each node of the monitor tree ([0068], lines 1-7, where an hierarchical relationship is the monitor tree)", and

"a visual administrator module to provide a graphical user interface to the monitoring system via the monitor system ([0087], lines 1-4, and [0153], lines 7-9, where an error message is displayed on the administration user interface, therefore the administration UI must graphical in order to display a message to a user) the visual administrator providing an interface to access nodes of the monitor tree to access monitoring information about the resource(s) of the node, as provided by the associated monitor managed bean ([0127], lines 9-24)".

Viswanath did not explicitly state: "wherein each node of the monitor tree provides an individual report of the collected information about the resource(s) associated with the node to the monitoring system, where the monitor tree enables distributed monitoring of the resources without requiring all monitoring data to be reported to a central location of the JMA", "to access individual nodes", or "without requiring all monitoring information to be collected at a central location".

However, Kekic disclosed: "wherein each node of the monitor tree provides an individual report of the collected information about the resource(s) associated with the

node to the monitoring system (Col. 2, lines 33-38), where the monitor tree enables distributed monitoring of the resources (Col. 2, lines 63-67) without requiring all monitoring data to be reported to a central location of the JMA (Col. 2, lines 33-41, agent processes monitor and control the operation of the network element by maintaining a MIB)", "to access individual nodes (Col. 2, lines 33-41)", or "without requiring all monitoring information to be collected at a central location (Col. 2, lines 33-41)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath with the teachings of Kekic to include support for each node to provide an individual report of its resources without requiring all monitoring data to be reported to a central location. Motivation to combine these references comes from Kekic where: "SNMP is an industry standard for managing heterogeneous TCP/IP-based computer network elements from a single management application" (Col. 1, lines 63-65). SNMP includes agents, as described by Kekic Col. 2, lines 33-41, which maintain a database reflecting the status of the network element. Therefore by combining the references, the server administration system of Viswanath can use industry standards for managing heterogeneous TCP/IP-based computer networks.

10. With respect to Claim 13, Viswanath disclosed: "A computer-implemented method employed within a network ([0024], lines 1-5) comprising:

accessing a file in a database ([0065], lines 9-12, specifically “database-based”, and [0025], lines 1-5, in order to use the meta-information, the administration framework generator mechanism must access the meta information), the file having semantics and directives to generate a monitor tree ([0025], lines 12-18) for a Java monitoring architecture (JMA) ([0019], lines 1-10) monitoring system compatible with Java management extensions (JMX) ([0120], lines 1-3) to individually monitor a plurality of resources within the network ([0128], lines 1-4 and Abstract, lines 5-7)

where the semantics and directives define a hierarchical architecture of a monitor tree ([0063], second col., lines 1-8) that monitors the plurality of resources of a cluster of application servers ([0046], lines 1-3 and [0053], lines 1-3) spanning multiple Java virtual machines (JVMs) ([0030], lines 1-5),

the semantics defining code to generate the monitor tree ([0025], lines 1-6, 12-18 and [0068], lines 1-7), including information about monitor managed beans ([0068], lines 1-7), resources to be monitored ([0025], lines 1-6 and 12-18), and relationships between the monitor managed beans the resources ([0068], lines 1-7), and

the directives defining how the semantics are to be implemented to form the monitor tree ([0025], lines 1-6 and 12-18),

wherein the cluster of application servers includes multiple application server instances ([0057], lines 13-16) and a central services instance that provides communication and synchronization among the multiple application server instances ([0030], lines 5-8, and [0154], lines 7-13, where the central services instance is an

administration server which provides communication and synchronization among the application servers);

a runtime managed bean ([0120], lines 1-3, specifically management beans) that continuously monitors one or more associated resources of resources in the system ([0128], lines 1-5);

generating the monitor tree based, at least in part, on the semantics and the directives of the file ([0025], lines 1-6), the monitor tree to monitor the plurality of resources ([0025], lines 14-18, where an hierarchical relationship implies a plurality of nodes), wherein the monitor tree includes a hierarchical grouping of a plurality of nodes ([0025], lines 1-6 and 14-18, where elements have hierarchical relationships), each of the plurality of nodes having

a monitor managed bean ([0107], lines 1-3, specifically configuration beans) and one or more resources of the plurality of resources associated with the monitor managed bean ([0024], lines 8-14 and [0021], lines 1-2), where the monitor managed bean collects information about each associated resource from the runtime managed bean associated with the resource(s) ([0122], lines 1-12, specifically where the configuration beans perform getting and setting attributes on behalf of the management beans)", and

"the monitor managed bean of each node of the monitor tree ([0068], lines 1-7, where an hierarchical relationship is the monitor tree)", and

"and displaying, at least a portion of, the generated monitor tree on a graphical user interface of a visual administrator via a monitor service that interfaces a visual

administrator to managed bean servers of the monitoring system ([0087], lines 1-5 and [0127], lines 19-24)", and

"each of the plurality of nodes having a monitor managed bean and one or more resources of the plurality of resources associated with the monitor managed bean ([0024], lines 8-14), including providing an interface to access through the graphical user interface to nodes of the monitor tree to access monitoring information of each resource ([0127], lines 19-24)".

Viswanath did not explicitly state: "wherein each node of the monitor tree provides an individual report of the collected information about the resource(s) associated with the node to the monitoring system, where the monitor tree enables distributed monitoring of the resources without requiring all monitoring data to be reported to a central location of the JMA", "to access individual nodes of the monitoring tree", or "without requiring all monitoring data to be collected at a central location".

However, Kekic disclosed: "wherein each node of the monitor tree provides an individual report of the collected information about the resource(s) associated with the node to the monitoring system (Col. 2, lines 33-38), where the monitor tree enables distributed monitoring of the resources (Col. 2, lines 63-67) without requiring all monitoring data to be reported to a central location of the JMA (Col. 2, lines 33-41, agent processes monitor and control the operation of the network element by maintaining a MIB)", "wherein the displayed portion of the generated monitor tree

includes the plurality of nodes (Col. 5, lines 47-51 and Figure 3B, object 305)", and "to access individual nodes of the monitoring tree (Col. 2, lines 33-41)", and "without requiring all monitoring information to be collected at a central location (Col. 2, lines 33-41)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath with the teachings of Kekic to include support for each node to provide an individual report of its resources without requiring all monitoring data to be reported to a central location. Motivation to combine these references comes from Kekic where: "SNMP is an industry standard for managing heterogeneous TCP/IP-based computer network elements from a single management application" (Col. 1, lines 63-65). SNMP includes agents, as described by Kekic Col. 2, lines 33-41, which maintain a database reflecting the status of the network element. Therefore by combining the references, the server administration system of Viswanath can use industry standards for managing heterogeneous TCP/IP-based computer networks.

11. With respect to Claim 24, Viswanath disclosed: "A system (Abstract, line 1) comprising:

a means for accessing a file in a database ([0065], lines 9-12, specifically "database-based", and [0025], lines 1-5, in order to use the meta-information, the administration framework generator mechanism must access the meta information), the file having semantics and directives to generate a monitor tree ([0025], lines 12-18) for a

Java monitoring architecture (JMA) ([0019], lines 1-10) monitoring system compatible with Java management extensions (JMX) ([0120], lines 1-3) to individually monitor a plurality of resources within the network ([0128], lines 1-4 and Abstract, lines 5-7)

where the semantics and directives define a hierarchical architecture of a monitor tree ([0063], second col., lines 1-8) that monitors the plurality of resources of a cluster of application servers ([0046], lines 1-3 and [0053], lines 1-3) spanning multiple Java virtual machines (JVMs) ([0030], lines 1-5),

the semantics defining code to generate the monitor tree ([0025], lines 1-6, 12-18 and [0068], lines 1-7), including information about monitor managed beans ([0068], lines 1-7), resources to be monitored ([0025], lines 1-6 and 12-18), and relationships between the monitor managed beans the resources ([0068], lines 1-7), and

the directives defining how the semantics are to be implemented to form the monitor tree ([0025], lines 1-6 and 12-18),

wherein the cluster of application servers includes multiple application server instances ([0057], lines 13-16) and a central services instance that provides communication and synchronization among the multiple application server instances ([0030], lines 5-8, and [0154], lines 7-13, where the central services instance is an administration server which provides communication and synchronization among the application servers);

a runtime managed bean ([0120], lines 1-3, specifically management beans) that continuously monitors one or more associated resources of resources in the system ([0128], lines 1-5);

a means for generating the monitor tree based, at least in part, on the semantics and the directives of the file ([0025], lines 1-6), the monitor tree to monitor the plurality of resources ([0025], lines 14-18, where an hierarchical relationship implies a plurality of nodes), wherein the monitor tree includes a hierarchical grouping of a plurality of nodes ([0025], lines 1-6 and 14-18, where elements have hierarchical relationships), each of the plurality of nodes having

a monitor managed bean ([0107], lines 1-3, specifically configuration beans) and one or more resources of the plurality of resources associated with the monitor managed bean ([0024], lines 8-14 and [0021], lines 1-2), where the monitor managed bean collects information about each associated resource from the runtime managed bean associated with the resource(s) ([0122], lines 1-12, specifically where the configuration beans perform getting and setting attributes on behalf of the management beans)", and

"the monitor managed bean of each node of the monitor tree ([0068], lines 1-7, where an hierarchical relationship is the monitor tree)", and

"and a means for displaying, at least a portion of, the generated monitor tree on a graphical user interface of a visual administrator via a monitor service that interfaces a visual administrator to managed bean servers of the monitoring system ([0087], lines 1-5 and [0127], lines 19-24)", and

"each of the plurality of nodes having a monitor managed bean and one or more resources of the plurality of resources associated with the monitor managed bean ([0024], lines 8-14), including providing an interface to access through the graphical

user interface to nodes of the monitor tree to access monitoring information of each resource ([0127], lines 19-24)".

Viswanath did not explicitly state: "wherein each node of the monitor tree provides an individual report of the collected information about the resource(s) associated with the node to the monitoring system, where the monitor tree enables distributed monitoring of the resources without requiring all monitoring data to be reported to a central location of the JMA", "to access individual nodes of the monitoring tree", or "without requiring all monitoring data to be collected at a central location".

However, Kekic disclosed: "wherein each node of the monitor tree provides an individual report of the collected information about the resource(s) associated with the node to the monitoring system (Col. 2, lines 33-38), where the monitor tree enables distributed monitoring of the resources (Col. 2, lines 63-67) without requiring all monitoring data to be reported to a central location of the JMA (Col. 2, lines 33-41, agent processes monitor and control the operation of the network element by maintaining a MIB)", "wherein the displayed portion of the generated monitor tree includes the plurality of nodes (Col. 5, lines 47-51 and Figure 3B, object 305)", and "to access individual nodes of the monitoring tree (Col. 2, lines 33-41)", and "without requiring all monitoring information to be collected at a central location (Col. 2, lines 33-41)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath with the teachings of Kekic to include support for each node to provide an individual report of its resources without requiring all monitoring data to be reported to a central location. Motivation to combine these references comes from Kekic where: "SNMP is an industry standard for managing heterogeneous TCP/IP-based computer network elements from a single management application" (Col. 1, lines 63-65). SNMP includes agents, as described by Kekic Col. 2, lines 33-41, which maintain a database reflecting the status of the network element. Therefore by combining the references, the server administration system of Viswanath can use industry standards for managing heterogeneous TCP/IP-based computer networks.

12. With respect to Claim 29, Viswanath disclosed: "An article of manufacture (Abstract, line 1) comprising: an electronically accessible storage medium having instructions stored thereon that, when executed by an apparatus, cause the apparatus to

access a file in a database ([0065], lines 9-12, specifically "database-based", and [0025], lines 1-5, in order to use the meta-information, the administration framework generator mechanism must access the meta information), the file having semantics and directives to generate a monitor tree ([0025], lines 12-18) for a Java monitoring architecture (JMA) ([0019], lines 1-10) monitoring system compatible with Java

management extensions (JMX) ([0120], lines 1-3) to individually monitor a plurality of resources within the network ([0128], lines 1-4 and Abstract, lines 5-7)

where the semantics and directives define a hierarchical architecture of a monitor tree ([0063], second col., lines 1-8) that monitors the plurality of resources of a cluster of application servers ([0046], lines 1-3 and [0053], lines 1-3) spanning multiple Java virtual machines (JVMs) ([0030], lines 1-5),

the semantics defining code to generate the monitor tree ([0025], lines 1-6, 12-18 and [0068], lines 1-7), including information about monitor managed beans ([0068], lines 1-7), resources to be monitored ([0025], lines 1-6 and 12-18), and relationships between the monitor managed beans the resources ([0068], lines 1-7), and

the directives defining how the semantics are to be implemented to form the monitor tree ([0025], lines 1-6 and 12-18),

wherein the cluster of application servers includes multiple application server instances ([0057], lines 13-16) and a central services instance that provides communication and synchronization among the multiple application server instances ([0030], lines 5-8, and [0154], lines 7-13, where the central services instance is an administration server which provides communication and synchronization among the application servers);

a runtime managed bean ([0120], lines 1-3, specifically management beans) that continuously monitors one or more associated resources of resources in the system ([0128], lines 1-5);

generating the monitor tree based, at least in part, on the semantics and the directives of the file ([0025], lines 1-6), the monitor tree to monitor the plurality of resources ([0025], lines 14-18, where an hierarchical relationship implies a plurality of nodes), wherein the monitor tree includes a hierarchical grouping of a plurality of nodes ([0025], lines 1-6 and 14-18, where elements have hierarchical relationships), each of the plurality of nodes having

a monitor managed bean ([0107], lines 1-3, specifically configuration beans) and one or more resources of the plurality of resources associated with the monitor managed bean ([0024], lines 8-14 and [0021], lines 1-2), where the monitor managed bean collects information about each associated resource from the runtime managed bean associated with the resource(s) ([0122], lines 1-12, specifically where the configuration beans perform getting and setting attributes on behalf of the management beans)", and

"the monitor managed bean of each node of the monitor tree ([0068], lines 1-7, where an hierarchical relationship is the monitor tree)", and

"display, at least a portion of, the generated monitor tree on a graphical user interface of a visual administrator via a monitor service that interfaces a visual administrator to managed bean servers of the monitoring system ([0087], lines 1-5 and [0127], lines 19-24)", and

"each of the plurality of nodes having a monitor managed bean and one or more resources of the plurality of resources associated with the monitor managed bean ([0024], lines 8-14), including providing an interface to access through the graphical

user interface to nodes of the monitor tree to access monitoring information of each resource ([0127], lines 19-24)".

Viswanath did not explicitly state: "wherein each node of the monitor tree provides an individual report of the collected information about the resource(s) associated with the node to the monitoring system, where the monitor tree enables distributed monitoring of the resources without requiring all monitoring data to be reported to a central location of the JMA", "to access individual nodes of the monitoring tree", or "without requiring all monitoring data to be collected at a central location".

However, Kekic disclosed: "wherein each node of the monitor tree provides an individual report of the collected information about the resource(s) associated with the node to the monitoring system (Col. 2, lines 33-38), where the monitor tree enables distributed monitoring of the resources (Col. 2, lines 63-67) without requiring all monitoring data to be reported to a central location of the JMA (Col. 2, lines 33-41, agent processes monitor and control the operation of the network element by maintaining a MIB)", "wherein the displayed portion of the generated monitor tree includes the plurality of nodes (Col. 5, lines 47-51 and Figure 3B, object 305)", and "to access individual nodes of the monitoring tree (Col. 2, lines 33-41)", and "without requiring all monitoring information to be collected at a central location (Col. 2, lines 33-41)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath with the teachings of Kekic to include support for each node to provide an individual report of its resources without requiring all monitoring data to be reported to a central location. Motivation to combine these references comes from Kekic where: "SNMP is an industry standard for managing heterogeneous TCP/IP-based computer network elements from a single management application" (Col. 1, lines 63-65). SNMP includes agents, as described by Kekic Col. 2, lines 33-41, which maintain a database reflecting the status of the network element. Therefore by combining the references, the server administration system of Viswanath can use industry standards for managing heterogeneous TCP/IP-based computer networks.

13. With respect to Claim 3, the combination of Viswanath and Kekic disclose: "The system of claim 1, wherein the visual administrator module comprises: a convenience interface to obtain information from the monitor service (Viswanath, [0046], lines 15-19); and a graphical user interface to provide a graphical representation of the monitor tree based, at least in part, on the information obtained by the convenience interface (Kekic, Col. 5, lines 40-51)".

14. With respect to Claims 4, 14, 25, and 30 the combination of Viswanath and Kekic disclosed: "wherein the graphical user interface is to provide a window pane to display,

at least a portion of, the graphical representation of the monitor tree (Kekic, Col. 5, lines 47-51 and Figure 3B, object 305)".

15. With respect to Claim 5, the combination of Viswanath and Kekic disclosed: "The system of claim 4, wherein the graphical user interface is to further provide a second window pane to display a list of one or more properties for at least one of the plurality of nodes of the monitor tree (Kekic, Col. 23, lines 45-48 and Figures 6A and 6B, Object 603)".

16. With respect to Claims 16, and 27 the combination of Viswanath and Kekic disclosed: "selecting one of the plurality of nodes (Col. 23, lines 45-48); and displaying a list of one or more properties of the selected node in a second window pane of the graphical user interface (Kekic, Col. 23, lines 45-48 and Figures 6A and 6B, Object 603)".

17. With respect to Claims 6, 17, and 28 the combination of Viswanath and Kekic disclosed: "wherein the list of one or more properties includes one or more key-value pairs, each key-value pair having a key to identify a listed property and a corresponding value to specify a current value of the identified property (Kekic, Figure 3B, under the heading "Status of "a_hotspot"", "Attribute Name" heading and "Value" heading)".

18. With respect to Claim 7, the combination of Viswanath and Kekic disclosed: "The system of claim 4, wherein the graphical user interface is to select one of the plurality of nodes of the graphical representation of the monitor tree (Kekic, Col. 23, lines 43-48)".

19. Claims 8-12, 18-23, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viswanath in view of Kekic as applied to claims 7, 15, and 30 above, and further in view of Fuchs (US 2003/0177477 A1).

20. With respect to Claims 8 and 18, the combination of Viswanath and Kekic disclose: "wherein the graphical user interface is to further provide a second window pane having an attribute tab (Kekic, Figure 3B, under the heading "Status of "a_hotspot"", and Col. 24, lines 12-13)".

The combination of Viswanath and Kekic do not disclose: "and an operation tab".

However, Fuchs disclosed: "and an operation tab ([0093] to [0095], specifically [0095], where each MBean management interface comprises operations)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath in view of Kekic with the teachings of Fuchs to include support for a interface having an operations tab. Motivation to combine these references comes from Kekic, "As a user looks at the visual display in the graphic user interface, the user is provided the same visual information as if the user where physically present at the location of the managed computer network element. Thus, at a glance, a user can obtain considerable

information about the status of the computer network element as represented by the visual display (Abstract, lines 26-32)". Therefore by combining the server administration system of Viswanath in view of Kekic with the operations interface of Fuchs, a user can obtain operations information about a managed element at a glance.

21. With respect to Claims 9 and 19, the Claim is rejected for the same reasons as Claims 8 and 18 above.

In addition, Kekic disclosed: "wherein the second window pane is to display a list of one or more attributes of the monitor managed bean, if the attribute tab is selected (Kekic, Figure 3B, under the heading "Status of "a_hotspot"", and Col. 24, lines 12-13)".

22. With respect to Claims 10 and 20, the Claim is rejected for the same reasons as Claims 8 and 18 above.

In addition, Kekic disclosed: "wherein at least one of the listed attributes includes a value field specifying a current value of the listed attribute (Col. 24, lines 12-13, and Figure 3B, under the heading "Status of "a_hotspot"", the Table column of Value)".

23. With respect to Claim 21, the Claim is rejected for the same reasons as Claim 18 above.

In addition, the combination of Viswanath and Kekic disclosed: "The method of claim 20, further comprising: "entering a value (Viswanath, [0124], lines 15-19) listed in the value field (Kekic, Col. 24, lines 12-13 and lines 18-20 and Figure 6B, object 603) to

specify a new value for the attribute (Viswanath, [0069], lines 4-5, specifically the set command)".

24. With respect to Claims 11 and 22, the Claims are rejected for the same reasons as Claims 8 and 18 above.

In addition, Fuchs disclosed: "wherein the second window pane is to display a list of one or more operations of the monitor managed bean, if the operation tab is selected ([0093] to [0095], specifically [0095], where each MBean management interface comprises operations)".

25. With respect to Claims 12 and 23, the Claims are rejected for the same reasons as Claims 8 and 18 above.

In addition, Kekic disclosed: "wherein the second pane is to display an invoke button to selectively invoke (Col. 55, lines 44-45, and Figure 6B, object 606, specifically button "Edit Value")";

and, Fuchs disclosed: "listed operations of the monitor managed bean ([0093] to [0095], specifically [0095], where each MBean management interface comprises operations)".

26. With respect to Claim 32, the combination of Viswanath and Kekic disclose: "The article of manufacture of claim 30, wherein the electronically accessible medium provides further instructions that, when executed by the apparatus, cause the apparatus

to display a second window pane having an attribute tab (Kekic, Col. 24, lines 12-13)", and "and display a list of one or more attributes of the monitor managed bean (Viswanath, [0021], lines 1-7), if the attribute tab is selected (Kekic, Col. 24, lines 12-13)".

The combination of Viswanath and Kekic do not disclose: "and an operation tab".

However, Fuchs disclosed: "and an operation tab ([0093] to [0095], specifically [0095], where each MBean management interface comprises operations)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath in view of Kekic with the teachings of Fuchs to include support for a interface having an operations tab. Motivation to combine these references comes from Kekic, "As a user looks at the visual display in the graphic user interface, the user is provided the same visual information as if the user where physically present at the location of the managed computer network element. Thus, at a glance, a user can obtain considerable information about the status of the computer network element as represented by the visual display (Abstract, lines 26-32)". Therefore by combining the server administration system of Viswanath in view of Kekic with the operations interface of Fuchs, a user can obtain operations information about a managed element at a glance.

27. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Viswanath in view of Kekic as applied to claims 1 above, and further in view of Zhang (US 2003/0041142 A1).

28. With respect to Claim 33, the combination of Viswanath and Kekic did not explicitly state: "wherein the visual administrator provides a Swing graphical user interface to the monitoring system".

However, Zhang disclosed: "wherein the visual administrator provides a Swing graphical user interface to the monitoring system ([0034], lines 1-2 and [0037], lines 1-5)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath in view of Kekic with the teachings of Zhang to include support for Swing based graphical user interfaces. Motivation to combine these references comes from Swing being an API to provide a graphical user interface for Java programs, and the system of Viswanath uses Java programs.

Response to Arguments

29. Applicant's arguments, see pg 12, Claim Objections, filed 3 September 2009, with respect to Claim Objections of claims 18-23 have been fully considered and are persuasive. The objection of claims 18-23 has been withdrawn.

30. Applicant's arguments, see pg 14, Rejections Under 35 USC 103 – pg 17, filed 3 September 2009, have been fully considered but they are not persuasive.

31. Applicant argues the combination of Viswanath and Kekic is improper, see for example pg 14, line 8 – pg 15, line 30.

Examiner respectfully disagrees. Applicant specifically argues "The disclosure of distributed monitoring in an SNMP system does not disclose to one of ordinary skill in the art how to modify a JMA system to perform distributed monitoring in place of centralized monitoring that is assumed in a JMA system" (pg 14, lines 25-28). The combination of SNMP and Java monitoring architecture was known to one of ordinary skill in the art at the time of the invention. See for example, Fuchs, as cited above, [0003] – [0009], where a JMX monitoring architecture is combined with SNMP. Furthermore see, Nusbickel (US 7,085,851), Col. 2, lines 26-40, where an SNMP interface is added to a JMX monitoring architecture. Finally, there is no indication that a JMA system is assumed to be a centralized monitoring system. The JMA system disclosed in Viswanath is distributed, see for example [0019], lines 7-10 and the hierarchical relationship (see for example, [0024]) disclosed that the monitoring system is distributed. The combination of Viswanath and Kekic references is not to provide a distributed JMA monitoring system (which is already disclosed by Viswanath), rather to provide the system of Viswanath with the additional functionality of individual reports without requiring all monitoring data to be reported to a central location disclosed by Kekic.

32. Applicant further argues: "Either modification would render Viswanath's claimed invention as unsatisfactory for its intended purpose" (pg 14, last paragraph).

Examiner respectfully disagrees. The combination is not to modify Viswanath's system to provide a distributed JMA monitoring system, this is already disclosed by Viswanath (see for example [0019], lines 7-10 and the hierarchical relationship among the distributed monitored elements, [0024]). The combination is to provide the system of Viswanath with the additional functionality of individual reports without requiring all monitoring data to be reported to a central location. Therefore, the combination does not render Viswanath unsatisfactory for its intended purpose, and its intended function, of distributed monitoring is still achieved.

33. Applicant further argues: "the teachings of Kekic and Viswanath are not combinable without changing the principle of operation of one or both of the references" (pg 15, lines 24-26).

Examiner respectfully disagrees. The principle operation of both references is distributed monitoring of elements of the system. The combination is to provide the system of Viswanath with the additional functionality of individual reports without requiring all monitoring data to be reported to a central location, which is disclosed in Kekic. This added functionality does not change the principle operation of either reference, and the principle operation of monitoring is still achieved.

34. Applicant further argues: "both Viswanath and Kekic still fail, among other defects, to expressly or inherently disclosed 'the semantics defining code to generate the monitor tree, including information about monitor managed beans, resources to be monitored, and the relationships between the monitor managed beans and the resources' (pg 16, lines 2-5)".

Examiner respectfully disagrees. Viswanath disclosed: "the semantics defining code to generate the monitor tree ([0025], lines 1-6 and 12-18 and [0068], lines 1-7), including information about monitor managed beans ([0068], lines 1-7), resources to be monitored ([0025], lines 1-6 and 12-18), and relationships between the monitor managed beans the resources ([0068], lines 1-7)". Viswanath, at [0063] – [0068] disclosed the meta-information used to generate the administrative framework. Specifically, Viswanath, [0068]-[0069], disclosed the meta-information describes the relationship between the monitor managed beans and the resources. The meta-information contains code to generate the hierarchical relationships (monitor tree) among the elements (see [0067]) and information about the monitor managed beans ([0068]), resources to be monitored ([0067]) and the relationships between the monitor managed beans and the resources ([0068] – [0069]).

35. Applicant further argues dependent claims and similar independent claims are allowable over the prior art because of their dependent nature on claim 1 (see pg 16, line 23 – pg 17, Claim 33). Examiner respectfully disagrees, see above rejections and arguments.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL
10/2/2009

/KAMAL B DIVECHA/

Examiner, Art Unit 2451